

CASE NO. 13-20-00280-CR

ELIJAH TATES	§	IN THE COURT OF APPEALS
	§	13th COURT OF APPEALS
V.	§	CORPUS CHRISTI/EDINBURG, TEXAS
	§	FOR THE THIRTEENTH DISTRICT
	§	KATHY S. MILLS
STATE OF TEXAS	§	CORPUS CHRISTI, TEXAS

**APPELLANT'S SECOND MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

ELIJAH TATES, Appellant, files this Second Motion for Extension of Time to File Brief and would show the Court the following:

1. Appellant was sentenced to 5 years in Institutional Division of the Texas Department of Criminal Justice after a finding of "Guilty" by a jury to Evading Arrest/Detention w/Previous Conviction. Punishment was to the Court. Sentence was pronounced in open Court on April 8, 2020.
2. The Clerk's Record on appeal was filed May 7, 2020 and a Supplemental Clerk's Record was filed June 30, 2020.
3. The Reporter's Record on appeal was filed July 1, 2020.
4. Extension is sought for filing Appellant's Brief currently due on August 31, 2020.
5. This is counsel's second Motion for Extension of Time to file Brief.
6. Counsel has been involved in the following during the past 30 days:
 - Counsel is a primary caregiver for his non-verbal, intellectually disabled sixteen-year old who is not toilet trained and requires almost around the clock care. The current COVID-19 outbreak has limited

access by individuals outside counsel's household for care. This sixteen-year old was held out from in-person classes at public school that began in mid-August, but may return to school after Labor Day, 2020 depending on the status of COVID-19 outbreaks;

- *State of Texas v. Rufus Edward Lockett*, Cause No. 19-01097-CRF-85, 85th District Court of Brazos County – Capital Murder Death Penalty case for which notice of intent to seek death was given in late February 2020 – the undersigned is in possession of approximately two terabytes of discovery from the State that is being collated and reviewed, the latest batch of discovery being received in August 2020. The undersigned client purportedly tested positive for COVID-19 during an outbreak in the Brazos County Jail;
- *Sonny Ellen d/b/a Sonny Ellen Bail Bonds v. Grimes County Bail Bond Board*, Cause No. 35,074, 12th District Court of Grimes, County, Texas – Review of a Motion for Summary Judgment received from the Defendant in that case in August 2020; Review of discovery received from Defendant on August 2020, and attendance to a Motion for Continuance filed by Defendant on August 24, 2020;
- *State of Texas v. Edward Jerome Huff*, Cause No. 13-20-00026-CR, Thirteenth Court of Appeals involving a State appeal of a Trial Court granting of a Motion for New Trial – Draft and file Appellee's Brief on August 10, 2020;
- *Ex Parte Kevdrick DaQuan Jefferson*, Cause No. 07-20-00123-CR, Seventh Court of Appeals, Amarillo, Texas – Draft and file Motion for Rehearing on August 7, 2020;
- *State of Texas v. Ryan Carter Lemon*, Cause Nos. 17-02421-CRF-85 & 18-01720-CRF-85, 85th District Court of Brazos County, Texas & 10-20-00230-CR & 10-20-00231-CR, 10th Court of Appeals, Waco, Texas – Filing of Mandamus proceeding and Emergency Stay against Respondent Judge of the 85th District Court of a denial of an First Amended Unopposed Motion for Continuance which occurred the entire week of August 24-28, 2020, Emergency Stay granted by the 10th Court of Appeals on August 27, 2020.

- In addition to the above referenced cases, counsel has had additional settings in trial courts in Brazos County and other venues that required time and resource allocation for remote conferencing necessitated by the COVID-19 pandemic, including an outbreak of COVID-19 at the Brazos County Jail.

Appellant's Counsel requests an additional thirty (30) days in which to file Appellant's Brief with the Court of Appeals. Appellant's Brief will be due on **Wednesday, September 30, 2020.**

THEREFORE, Appellant requests the following:

1. Extension of thirty (30) days to **Wednesday, September 30, 2020** to file Appellant's Brief;
2. General relief.

RESPECTFULLY SUBMITTED,

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BY: /s/ LANE D. THIBODEAUX
LANE D. THIBODEAUX
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Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was forwarded to counsel of record listed below on the 31st day of August, 2020:

Via Electronic Filing

DOUG HOWELL
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/s/ LANE D. THIBODEAUX
LANE D. THIBODEAUX

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Associated Case Party: Elijah Tate

Name	BarNumber	Email	TimestampSubmitted	Status
Lane D.Thibodeaux		lanet1@msn.com	8/31/2020 10:27:53 AM	SENT

Associated Case Party: State of Texas c/o Brazos County District Attorney's Office

Name	BarNumber	Email	TimestampSubmitted	Status
Doug Howell		dhowell@brazoscountytexas.gov	8/31/2020 10:27:53 AM	SENT